IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 14659 of 2006(T)

PETITIONER:

SULFATH, W/O. LAIKATH ALI,
SULFATH MANZIL, KUNDAYAM P.O.,
PATHANAPURAM.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:

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1. THE DIVISIONAL FOREST OFFICER,
KONNI, PATHANAMTHITTA.

2. THE ASSISTANT DISTRICT INDUSTRIES
OFFICER, REVENUE TOWERS, ADOOR
PATHANAMTHITTA.

3. THE CENTRAL EMPOWERED COMMITTEE
(CONSTITUTED BY THE HON'BLE SUPREME COURT)
GATE NO.31, JAWAHARLAL NEHRE STADIUM, LODHI ROAD,
NEW DELHI-3, REP.BY MEMBER SECRETARY, JAWAHARLAL
NEHRE STADIUM, LODHI ROAD, NEW DELHI-3.

4. THE ADDITIONAL PRINCIPAL
CHIEF CONSERVATOR OF FORESTS, FOREST HEAD-
QUARTERS, THIRUVANANTHAPURAM (CHAIRMAN OF THE
STATE COMMITTEE CONSTITUTED BY 3RD RESPONDENT).

BY GOVERNMENT PLEADER - ADV. SHRI.C.M.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/01/2007 ALONG WITH WP(C) NO. 18798/2006,
THIS COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) NO. 14659/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE RECEIPT DATED 07/11/2002.

EXT.P2 COPY OF THE POSSESSION CERTIFICATE DATED 18/10/2002 ISSUED BY THE VILLAGE OFFICER.

EXT.P3 COPY OF THE LOCATION SKETCH PREPARED BY THE VILLAGE OFFICER.

EXT.P4 COPY OF THE TAX RECEIPT DATED 18/10/2002.

EXT.P5 COPY OF THE ELECTRICITY BILL OF THE BUILDING.

EXT.P6 COPY OF THE BUILDING TAX RECEIPT DATED 17/07/2003 ISSUED BY THE PANCHAYAT.

EXT.P7 COPY OF THE LETTER NO.A-657/2002 DATED 15/02/2003 OF THE 2ND RESPONDENT.

EXT.P8 COPY OF THE LETTER NO. 1485/2004 DATED 21/03/2004.

EXT.P9 COPY OF THE JUDGMENT IN WP(C) NO.8393/2005 DATED 01/04/2005.

EXT.P10 COPY OF THE LETTER NO- KNC-3129/2004 DATED 07/06/2005.

EXT.P11 COPY OF THE LETTER NO.A/223/2005 DATED 11/07/2005.

EXT.P12 COPY OF GO(MS) NO.61/2003/FOREST DATED 28/11/2003.

EXT.P13 COPY OF THE LETTER DATED 03/02/2005 OF KILLITHATTIL INDUSTRIES.

EXT.P14 COPY OF LETTER F-NO. 2-7/CEC 2005/PT III DATED 01/03/2006.

RESPONDENT'S EXHIBITS

ANNEXURE - R1(a) COPY OF RESERVE NOTIFICATION NO.3558/F&MR OF KALANJOOR TEAK PLANTATION RESERVE.

ANNEXURE R1(b) COPY OF RESERVE NOTIFICATION NO.2342/F&MR OF ANAKULAM (SOUTH BLOCK)

ANNEXURE R1(c) COPY OF RELEVANT PAGE OF ORDER OF THE HON'BLE SUPREME COURT IN IA 566 IN WP(C) NO.202/1995.

ANNEXURE R1(d) COPY OF LETTER NO.A-657/02 DATED 31/08/2002.

ANNEXURE R1(e) COPY OF RULES AND PROCEDURE OF THE CENTRAL EMPOWERED COMMITTEE.

ANNEXURE R1(f) COPY OF ORDER OF THE HON'BLE SUPREME COURT IN IA NO.566 IN WP(C) 202/1995.

//TRUE COPY//

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 14659 & 18798 of 2006

Dated, this the 23rd day of January, 2007

J U D G M E N T

On going through the statement filed by the Forest Department, it is clear that NOC can be issued to saw mills and other wood based industries, if the timber used is only rubber wood. The petitioners have specifically mentioned that they are using only rubber wood. In the circumstances, respondents are directed to issue NOC for licence to carry on sawmill / wood based industry, for which the petitioners have applied for, with a condition that wood used will be rubber wood. At any time, the respondents can inspect and if there is any violation of the above condition, they can take action against the petitioners. NOC will be issued on the above condition within two weeks from the date of production of a copy of the judgment.

These writ petitions are disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

jg